



WAC 173-441 GHG Mandatory Reporting Rule
Advisory Committee Meeting - May 29, 2009
Comparison between 4/7/09 and 5/22/09 Draft Rule

020 - Definitions

Section / Topic	Change
Definitions - mobile sources	<ul style="list-style-type: none"> •Added definitions for auxiliary power unit, each mobile source type, and a corresponding definition for each “fleet of” mobile source type •Emphasized “for transportation of people or cargo” •Adjusted “waters of the state” definition
Definitions - sources	<ul style="list-style-type: none"> •Modified site definition to: <ul style="list-style-type: none"> • Include pipeline and electric transmission / distribution systems •Exclude rail equipment •Added “source or combination of sources” definition
Definitions - units	<ul style="list-style-type: none"> •Removed unit level based definitions •Removed “geographic coordinates” definition
Definitions - leases	<ul style="list-style-type: none"> •Put lease definitions back in (capital lease and operating lease)
Definitions - organizations	<ul style="list-style-type: none"> •Added IPCC definition •Shortened TCR definition
Definitions - categories	<ul style="list-style-type: none"> •Added definition for process emissions
Definitions - tier	<ul style="list-style-type: none"> •Added tier definition

030 - Applicability

Section / Topic	Change
(2)(b)	<ul style="list-style-type: none">•Added reference to include emissions from intrastate, interstate, and international travel in threshold determination

031 - Reporting Responsibility

Section / Topic	Change
Section number	•Moved from 050 to 031
(2)(a) Fleets and (3)(a) sources	<ul style="list-style-type: none">•Removed references to tracking fuel use or emissions•Added language consistent with definition of operational control•Added section on leases•Leases less than 1 year are short term



035 - Phasing

Section / Topic	Change
Section number	<ul style="list-style-type: none">•Moved from 070 to 035
General	<ul style="list-style-type: none">•Titles reworded for consistency
(1)	<ul style="list-style-type: none">•Added section to clarify that phasing does not apply to on-road motor vehicles
(2) Through (4)	<ul style="list-style-type: none">•Restructured for consistency and clarity. Each year now includes a subsection for each grouping and reference to 055
(2) Through (3)	<ul style="list-style-type: none">•Includes reference to consistency section 060
(4)	<ul style="list-style-type: none">•Extended site based reporting 1 more year, through 2011
(5)	<ul style="list-style-type: none">•Organization level reporting begins with 2012 emissions reported in 2013•Contains new aircraft section that was previously in separate aircraft section
graphics	<ul style="list-style-type: none">•Table and flow charts updated



036 - Deferred reporting

Section / Topic	Change
Section number	•Moved from 060 to 036
General	•Formerly aircraft section •Now only addresses deferral of interstate and international mobile sources
(1)	•Defines interstate/international consistent with 055



055 - Determining if greenhouse gas emissions from mobile sources occur in Washington state

Section / Topic	Change
Introduction	<ul style="list-style-type: none"> • Clarified hotelling / port emissions are responsibility of the mobile source, not the port
General	<ul style="list-style-type: none"> • Cleaned up “must” issue for mobile sources with multiple options • Reordered for consistency
(1) Inside a single site	<ul style="list-style-type: none"> • Clarified that rail equipment is always part of a fleet and not part of a site
(2)(b) on-road, fueling location	<ul style="list-style-type: none"> • Switched from fuel purchase location to fuel transfer location to clarify bulk fuel purchases from out of state issues
(2)(c) on-road, licensing	<ul style="list-style-type: none"> • Moved limitation regarding Option 3 from opening paragraph to (2)(c)
(4) Marine vessels	<ul style="list-style-type: none"> • Added maps • Changed “time operated” to “hours operated”
(5) Rail equipment	<ul style="list-style-type: none"> • Restructured, no longer differentiates between instate and out of state railroads, just looks at the rail equipment. • Added a new method based on percentage of total gross ton-miles operated in Washington compared to nationwide (NOT an efficiency factor) • (c) changed “time operated” to “hours operated” • Allows mixing of methods as long as each type of rail equipment uses the same method statewide
(6) Other mobile sources	<p>Simplified introductory language. Made (b) match changes to (2)(b).</p>



060 - Report consistency

Section / Topic	Change
Section number	•Moved from 065 to 060
Introduction	•Removed “throughout their organization”
(3)	•5% based on total direct or indirect, not specific change •Changes limited to years within document retention period
(5)	•Requirement does not start until 2011 emissions reported in 2012
Tier order	•Addressed in tier definition

090 - Verification

Section / Topic	Change
Introduction and (1)	Verification will become effective when Washington begins participating in a regional or national cap and trade program for greenhouse gases
(2)(a) and (b)	Added ability to petition Ecology to end verification requirements when there is a permanent reduction of emissions or operations cease
(6)	Added subsection requiring verification body to conduct core verification activities per TCR GVPs.



100 - Quantification methods for emissions from a source or combination of sources of emissions

Section / Topic	Change
Introduction / general	<ul style="list-style-type: none"> •Clarified language •New tier selection sentence in sections: (1)(a)(i), (2)(a)(i), (2)(a)(ii), (2)(c), (2)(d)(i) – except mobile sources, (3)(a), (3)(b)(i)
(2)(a)(ii)	<ul style="list-style-type: none"> •Added subsection referring to Appendix A-6 for refineries
(2)(b)	<ul style="list-style-type: none"> •Expanded to include all direct mobile emissions. References the same protocols as before directly or through other subsections. Does not restrict tiers.
(2)(c)	<ul style="list-style-type: none"> •Clarified language and cleaned up references within table •Added hydrogen plants •Changed methodology for petroleum refineries
(2)(d)	<ul style="list-style-type: none"> •Changed methodology for fugitive industrial wastewater treatment emissions •Added coal piles
(3)(a)	<ul style="list-style-type: none"> •Clarified language •Added tier A2. Deleted non-tier of owner or operator calculating their own factor.
(4)	<ul style="list-style-type: none"> •Added standard language pointing to simplified estimation methods (same as 110).
(5)	<ul style="list-style-type: none"> •Added clarifying text, including how to use the GWP factors and how to calculate the GWP for a blend if not in table 4, but component are in table 3



110 - Quantification methods for on-road motor vehicles

Section / Topic	Change
Introduction / general	•Clarified language, more consistent with 100
(3)	•Added standard language pointing to simplified estimation methods (same as 100)
(4)	•Added title

115 - De Minimis

Section / Topic	Change
General	<ul style="list-style-type: none">•Complete restructure, especially in simplified estimation methods
(1)	<ul style="list-style-type: none">•Added exclusion de minimis – all new
(2)	<ul style="list-style-type: none">•Added indirect emissions as discussed in previous meeting•Requirement to keep separate from direct emissions•Broke into separate subsections for clarity



120 - Report content and submission requirements

Section / Topic	Change
General / introduction	•Clarified and made consistent with other sections. Overall reorganization.
(1)	•Replaced parent/subsidiary with (d) which states owner or operator collects all sites under one account •Added exclusion de minimis and simplified estimation methods declarations
(2)	•Simplified reporting detail to minimize unit level tracking and reporting •Moved mobile sources operating exclusively within a site to this section from (3)
(3)	•Simplified reporting detail to minimize unit level tracking and reporting
Formerly section (5)	•Eliminated requirement for a Greenhouse Gas Inventory Management Plan
(5)	•Added section for non-verified report without material misstatement •Added section for changes under 060



125 - Document retention and record keeping requirements

Section / Topic	Change
(2)	•Changed response period from 10 to 15 business days
(3)	•Removed unit reference and Greenhouse Gas Inventory Management Plan
(4)	•Removed Greenhouse Gas Inventory Management Plan
(5)	•Added appendices references

150 - Enforcement

Section / Topic	Change
(1)	Added section for enforcement for first time violators (based on SSB 5042 - Paper work violations)



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Next Steps



Anticipated Changes Prior to CR-102 Filing

- Renumber sections and appendices
- Polish language
- Minor corrections as needed



Timeline for Commenting on Current Draft Rule

- June 8, 2009 – Deadline for stakeholders to submit written comments on current draft rule
 - Email comments to npri46l@ecy.wa.gov



Timeline for Completing Rule

Action	Target Date
June 24, 2009	Draft rule submitted to Ecology's Rules Unit (no changes can be made after this date)
August 5, 2009	CR-102 filed
August 19, 2009	CR-102 published in state register
August 2009	Public workshops
Week of September 8 th , 2009	Public hearings
September 18, 2009	Close of public comment period
October 2009	Staff prepares responses to comments on draft rule
November 4, 2009	Final rule submitted to Ecology's Rules Unit
December 2, 2009	CR-103 filed. Rule adoption.
January 2, 2010	Effective date of rule



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Questions?